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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SCHWARTZ, CHRISTOPHER P

ART UNIT PAPER NUMBER

3683

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,590

Applicant(s)

BECK, ROY

Examiner

Christopher P. Schwartz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

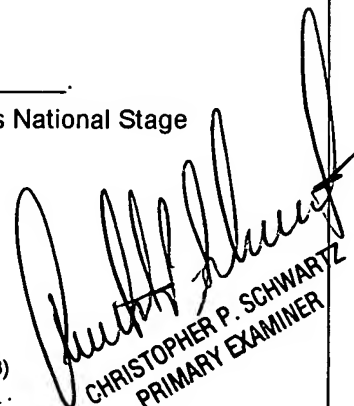
- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.


CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement has been received and considered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 line 3 "at least one cam" is claimed.

However line 4 recites "each cam" implying there is more than one.

It becomes confusing how many "cams" applicant intends to claim.

The same issue applies to the "at least one" pressure guide. It becomes unclear how many applicant intends to claim.

Claim 3 contains the same problem with respect to the first compression springs.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1,2,4,7,8 are rejected under 35 U.S.C. 102(b) as being anticipated by Dingess.

Regarding claim 1 Dingess discloses a camshaft 15, at least one pressure glide 17 riding on the cams, an inflatable bladder 23 applying pressure to the guide(s) and forcing it into engagement with a corresponding cam; and wherein the pressure glide 17 is pushed backwardly by the cam as it turns causing the cam to be slowed.

Regarding claim 2 see the embodiment of figure 8. It would appear elements 35 are springs.

Regarding claims 4,7,8 as can be seen in the drawings, these requirements are met.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dingess in view of Ortega.

Regarding claims 3,13 Dingess lacks a disclosure of doubling up the springs in the area of 35 in figure 8.

Ortega is relied upon to provide a general teaching of the well known idea of doubling up compression springs in automotive applications dependent upon the spring force desired for a particular application.

One having ordinary skill in the art at the time of the invention would have found it obvious to have doubled up the springs at 35 by placing one within another simply dependent upon the spring force desired.

7. Claims 5,9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dingess.

Regarding claim 5 to have used the device of Dingess in a truck application to make the engine more efficient would have been obvious to the ordinary skilled worker in the art to reduce repair and fuel costs.

Regarding claims 9-11 these limitations would have been obvious to the ordinary skilled worker the art simply dependent upon the desired performance from the vehicle. To have used the compressed air on the vehicle (either from the brakes, or otherwise) to inflate the bladders would have been an obvious cost effective expedient to the ordinary skilled worker in the art as one well known alternative means of inflating the bladders 23, as opposed to inflating them with Nitrogen. See the discussion in column 5 lines 37-42.

Regarding claim 12 as explained above, these requirements are met.

8. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Dingess in view of Muscatell.

Regarding claim 6 Dingess lacks a discussion of inflating the bladder 23 upon depression of the brake pedal.

Dingess does discuss however in column 5 lines 37-42 that the degree of advancement of the crankshaft with respect to the flywheel can be varied by increasing or decreasing the pressure within bladder 91. Presumably this could be applied to the other bladders as well.

Muscatell shows a similar hydraulic braking device used in a similar application. Note the brake pedal applies hydraulic pressure to the "pressure glides" 46 in figure 3.

One having ordinary skill in the art would have found it obvious to have modified the bladders 23 of Dingess so that their pressures (either hydraulic or pneumatic) could be varied through use of the brake pedal to enable better control over the performance of the engine, as taught by Muscatell.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 703-308-0576. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack W. Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cps
8/5/04



CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER